

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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CLERK U.S. DISTRICT  
SOUTHERN DISTRICT

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) | NO. 4:07-cr-00231-RP-RAW |
|                           | ) |                          |
| vs.                       | ) |                          |
|                           | ) |                          |
| ROBERT GLEN BOLEY,        | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY  
(CONDITIONAL PLEA AGREEMENT)**

The United States of America and the defendant, having both filed a written consent to conduct of the plea proceedings by a magistrate judge, appeared before me pursuant to Fed. R. Crim. P. 11 and LCrR 11. The defendant entered a plea of guilty to Count 1 of an Indictment charging him with being a prohibited person in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) conditioned upon his right to appeal an adverse ruling on a motion to suppress. After advising and questioning the defendant under oath concerning each of the subjects addressed in Rule 11(b)(1), I determined that the guilty plea was in its entirety voluntarily, knowingly and intelligently made and did not result from force, threats, or promises (other than promises in the conditional plea agreement). I further determined that there is a factual basis for the guilty plea on each of the essential elements of the offense(s) in question. A conditional plea

agreement was disclosed at the plea proceeding and defendant stated he understood its terms and agreed to be bound by them. To the extent the conditional plea agreement is of the type specified in Rule 11(c)(1)(A) or (C) defendant was advised the district judge to whom the case is assigned may accept the conditional plea agreement, reject it, or defer a decision whether to accept or reject it until the judge has reviewed the presentence report as provided by Rule 11(c)(3)(A). To the extent the conditional plea agreement is of the type specified in Rule 11(c)(1)(B) defendant was advised by the Court that defendant has no right to withdraw the plea if the Court does not follow a recommendation or request in question.

I recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. A presentence report has been ordered and a sentencing status conference scheduled.

  
UNITED STATES MAGISTRATE JUDGE

8/18/08  
DATE

NOTICE

Failure by a party to file written objections to this Report and Recommendation within ten (10) days from the date of its service will result in waiver by that party of the right to make objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B). The Report and Recommendation was served this date by delivery of a copy thereof to counsel for the government and defendant in open court.